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Twenty-third report of the Secretary-General pursuant to paragraph 14 of resolution 1284 (1999)

I. Introduction

1. The present report is submitted pursuant to paragraph 14 of Security Council resolution 1284 (1999), in which the Council requested me to report every four months on the compliance by Iraq with its obligations regarding the repatriation or return of all Kuwaiti and third-country nationals or their remains and every six months on the return of all Kuwaiti property, including archives, seized by Iraq.

2. In a letter dated 28 June 2006 (S/2006/468), I requested the Security Council to reduce the frequency of reports on the compliance by Iraq with its obligations regarding the repatriation or return of all Kuwaiti and third-country nationals or their remains from every four months to every six months. On 30 June 2006 (S/2006/469), the President of the Security Council informed me that the members of the Security Council had taken note of the intention expressed in my letter.

3. My twenty-second report (S/2006/428) was submitted in June 2006. In accordance with the new schedule there was no report in August 2006. The present report covers both issues — the compliance by Iraq with its obligations regarding the repatriation or return of all Kuwaiti and third-country nationals or their remains and the return of all Kuwaiti property, including archives, seized by Iraq.

II. Background

4. The League of Arab States, the Organization of the Islamic Conference and the Gulf Cooperation Council continued to address issues pertaining to the repatriation or return of all Kuwaiti and third-country nationals or their remains as well as the return of Kuwaiti property. The Council of the League of Arab States (LAS), meeting in Cairo on 6 September 2006, condemned the grave violations of human rights that occurred during the occupation of the State of Kuwait and the concealment of the facts relating to prisoners and missing persons of Kuwaiti and other nationalities, the bodies of a number of whom were found in mass graves. The Council of the League of Arab States expressed its deepest sympathy to the families of victims whose remains had been identified and its distress at the ordeal of the families of those whose fate was unknown. It demanded that every effort be made to discover the fate of all missing persons and prisoners of Kuwaiti and other nationalities.

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5. The Final Communiqué of the Annual Coordination Meeting of Ministers of Foreign Affairs of Member States of the Islamic Conference, held in New York on 25 September 2006, strongly condemned the killing of Kuwaiti and Iranian prisoners of war and third-country nationals by the former Iraqi regime. It also condemned the concealment of those crimes for over a decade by the former Iraqi regime, which is considered a violation of international humanitarian law. It called for the perpetrators of those crimes against humanity to be brought to trial.

6. The one hundredth session of the Ministerial Council of the Gulf Cooperation Council, meeting in Jeddah, Saudi Arabia, on 5 September 2006, urged the United Nations to continue its efforts in resolving outstanding issues, such as the return of Kuwaiti property and Kuwaiti national archives, as well as in determining the fate of Kuwaiti prisoners and prisoners of other nationalities.

III. Recent activities with regard to the repatriation and return of all Kuwaiti and third-country nationals or their remains

7. In a letter dated 20 June 2006, the Permanent Representative of Kuwait to the United Nations advised the High-level Coordinator, Yuli Vorontsov, that the total number of identified persons had reached 230. This correspondence was the first since May 2005 to indicate that new cases had been closed. The names of Kuwaiti and third-country nationals whose remains have been identified are listed in the annex to the present report, where it is noted that some remains were those of citizens of Egypt, the Islamic Republic of Iran, Lebanon, Oman and Saudi Arabia.

8. It should be recalled that the recent identifications were based on the skeleton material brought to Kuwait in 2004. Approximately 325 sets of human remains have already been brought to Kuwait, of which 230 have been identified. As mentioned in the previous reports, Kuwait has encountered technical difficulties in the identification process. The three latest positive identifications were made possible with the technical support of a number of countries whose help Kuwait requested at the end of 2005 (see S/2005/769). If DNA and other types of analysis produce insufficient results, the human remains will have to be returned to Iraq.

9. From 13 to 15 November 2006, the High-level Coordinator visited Geneva, where he held discussions with members of the Tripartite Commission on the margins of their regular meetings. The 52nd meeting of the Technical Subcommittee took place on 13 November, followed by the 29th meeting of the Tripartite Commission on 15 November. Chaired by the International Committee of the Red Cross (ICRC), both sessions were attended by representatives of France, Iraq, Kuwait, Saudi Arabia, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

10. Owing to the prevailing security situation in Iraq, the Kuwaiti technical teams were not able in 2006 to conduct significant assessment work, have access to known mass graves nor ascertain the location of new graves where Kuwaiti and third-country nationals might be buried. Mr. Vorontsov was told in Geneva that in order to create conditions for the resumption of the operations, a plan of action was developed upon a proposal from Kuwait and in cooperation with ICRC. The plan aims at identifying a means of resuming and facilitating field operations.

11. The plan was adopted by the Tripartite Commission. When it comes to locating new sites and assessing and exhuming known sites, it distributes responsibilities among the members of the Technical Subcommittee with regard to obtaining access permits according to the relevant Iraqi legislation, organizing adequate protection of the field missions and providing the technical teams. The members of the Tripartite Commission undertook to provide available satellite imagery of new and known sites.

12. The High-level Coordinator noted productive cooperation between Iraq, Kuwait and Saudi Arabia with regard to the search for the burial sites of the persons unaccounted for by Iraq after the 1991 Gulf war. Nine human remains were repatriated recently to Iraq from Kuwait. In April-May 2006, Saudi Arabia facilitated a visit of a joint Iraq-International Committee of the Red Cross delegation to localize and identify burial sites of Iraqi missing persons on its territory.

13. In Geneva, Mr. Vorontsov met with the Executive Secretary of the United Nations Compensation Commission. As indicated in paragraph 8 of my report of 11 April 2005 (S/2005/233), the Governing Council of the Commission had approved a total of $161 million as compensation to family members of 602 former detainees in Iraq determined to be deceased. The Executive Secretary of the Commission informed the High-level Coordinator that the Commission had transferred the awards to the Government of Kuwait and that the Government of Kuwait had confirmed distribution to the respective claimants.

14. An American serviceman, Captain Michael Scott Speicher, remains missing in Iraq. Efforts to resolve his case have continued.

IV. Recent activities with regard to the return of Kuwaiti property

15. The High-level Coordinator has no information with regard to the whereabouts of the Kuwaiti national archives and related documents. Kuwait considers their return essential.

16. With regard to the return of the Kuwaiti spare parts found in Tunisia, it should be recalled that in May 2006 when the handover of property from Iraq to Kuwait occurred in Tunis, three items, namely a nose cowl, a tail cone and an aft (rear) exhaust sleeve, were transferred to Kuwait conditionally (see S/2006/428, annex). Kuwait and the Kuwait Airways Corporation (KAC) undertook to return them to the Iraq and the Iraqi Airways Company (IAC) if it was found before 15 July 2006 that these items belonged to IAC. Subsequently, in letters addressed to Mr. Vorontsov dated 20 July 2006 and 10 November 2006, the Permanent Representative of Iraq to the United Nations acknowledged that the aforementioned items belonged to KAC. In a letter dated 21 November 2006, the Permanent Representative of Kuwait to the United Nations indicated that the items were already in possession of KAC. The exchange of these communications signifies that all issues pertaining to the transfer of property from Iraq to Kuwait which took place in Tunisia have by now been resolved.

17. In Geneva, the Executive Secretary of the United Nations Compensation Commission informed the High-level Coordinator that the secretariat of the

Commission had conducted an internal review to ascertain whether the Kuwaiti parts and accessories listed in the annex to my report of 21 June 2006 (S/2006/428) were the subject of an award of compensation. Both KAC and its insurers had submitted claims to the Commission for compensation for losses in respect of KAC engines and spare parts arising from Iraq's invasion and occupation of Kuwait. Since KAC had received compensation from its insurers for those losses, the Commission made no award of compensation to KAC. An award of compensation was made to Kuwait Airways Corporation insurers, based on a valuation of the engines and spare parts as of the date of Iraq's invasion of Kuwait, undertaken by the E4 Panel of Commissioners.

18. As a result of its review, the secretariat of the Commission confirmed that the aircraft engine listed in the aforementioned annex was not the subject of an award of compensation. The secretariat also determined that 54 out of the 79 spare parts set out in the report (S/2006/428) matched the type of parts by name and part number for which an award of compensation was made. However, the secretariat was unable to determine whether the 54 spare parts were the subject of an award of compensation because a comparison of serial numbers was not possible based on the information provided by KAC and its insurers.

19. It should be noted that in his letter of 21 November 2006, the Permanent Representative of Kuwait requested the High-level Coordinator to advise him on ways to move forward with regard to the return of KAC spare parts that are still in Iraq's possession. According to the Permanent Representative of Kuwait, the spare parts are kept on board six aircraft belonging to IAC stationed at Queen Alia International Airport in Amman, Jordan.

V. Observations

20. I have taken note of the identification of the remains of the three Kuwaiti missing persons. Three more people are finally resting in peace, bringing consolation to their families. Given that the fate of 370 Kuwaiti and third-country nationals is unknown, this reflects disappointingly slow progress. The relatives of Kuwaiti and third-country nationals who are still unaccounted for continue to experience the anguish of uncertainty. I acknowledge that the serious security challenges in Iraq have impeded searches for graves and exhumation of the known sites where Kuwaiti and other nationals are thought to be buried.

21. In that connection, I am gratified to learn that the members of the Tripartite Commission, the principal coordination and policymaking mechanism for dealing with the issue of persons unaccounted for since the 1991 Gulf war, have decided on ways and means to reinvigorate and accelerate the field operations in Iraq, especially under the present circumstances there.

22. The collective efforts of Kuwait, Iraq and other members of the Tripartite Commission to proceed with ascertaining the fate of the Kuwaiti and third-country nationals deserve respect. They demonstrate commendable commitment to resolving this strictly humanitarian matter. I hope that these constructive arrangements will help to bring the issue of the Kuwaiti prisoners of war and third-country nationals to a satisfactory close.

23. It is sad that there has been no movement forward with regard to finding and returning the Kuwaiti national archives. Again, I call upon Governments and individuals who may know what happened to those documents or who may possess information on their whereabouts to clarify the fate of the archives.

24. The High-level Coordinator is prepared to continue his efforts in accordance to the mandate outlined by paragraph 14 of Security Council resolution 1284 (1999) and in close cooperation with Kuwait, Iraq and the Tripartite Commission.

Annex

Names of Kuwaiti and third-country nationals whose remains have been identified

1. Saad Meshal Aswad Salamah Al-Enezi
2. Ahmed Abdullah Abdulrasul Al-Ghallaf
3. Saleh Ali Said Al-Hayani
4. Enam Said Ahmad Said Ismail Al-Edan
5. Abdullatif Hussein Al-Waheb
6. Naser Hussein Omaran Al-Enezi
7. Mahmoud Sayed Reda Sayed Hasan
8. Faihan Mohammad Laili Al-Mutairi
9. Nasser Sherif Fahed Al-Khaldi
10. Daad Omar Al-Hariri (Lebanese)
11. Jassem Hamid Abdallah Al-Samak
12. Safah Ibjad Aloush Al-Mutairi
13. Lafi Faihan Mohammad Laili Al-Mutairi
14. Abdul Rahman Saad Marzook Al-Otaibi
15. Mohammed Gazai Saad Ali Al-Mutairi
16. Farhan Harbi Saket Al-Dhafiri
17. Obaid Falah Husaini Al-Mutairi
18. Hamad Mohammad Ghuneim Al-Ajami
19. Taleb Amin Jassem Saleh
20. Fahed Sulayman Aswad Al-Enezi
21. Fahed Akil Rakan Al-Zufayri (Saudi)
22. Misfir Mhana Misfir Al-Sharifa Al-Hayani
23. Nasser Ayed Duhayran Al-Oteibi
24. Mohammad Nasser Sharid Al-Ajami
25. Assal Turki Kusayman Al-Ajami
26. Abdallah Sulayman Abdallah Al-Amir
27. Abdulaziz Yussef Abdulaziz Alyamani
28. Amer Deydan Ali Al-Ajami
29. Sobhi Khalil Nousouhi Haydar (Lebanese)
30. Raja Hamud Saleh Al-Sahli

31. Khaled Saleh Al-Tuwaygeri
32. Adel Fahed Hamad Al-Hamad
33. Fahed Khalifa Jadlan Al-Mutayri
34. Salem Obeid Abdallah Al-Mutayri
35. Shojah Madi Omar Al-Ajami
36. Habib Saleh Al-Zaqah
37. Ali Abdallah Ali Al-Duwaysan
38. Maayuf Jaber Sahud Al-Harbi
39. Yaccoub Yussef Bader Al-Ustaz
40. Mansour Tulayhan Samar Al-Mutayri
41. Hamad Humaydi Ghazi Al-Otaibi
42. Mohsen Mohammad Mohsen Al-Ajami
43. Rajeh Zeyab Bedah Nahar Al-Mutayri
44. Mansour Faleh Nasser Al-Thaqeb
45. Ahmad Mahmoud Al-Hattab (Egyptian)
46. Jaber Helal Shedid Al-Shemary
47. Falah Jaser Saad Guniman Al-Mutayri
48. Jatly Mohammad Mejaed Al-Mutayri
49. Husain Salem Faza Al-Shamry
50. Khalifa Trak Suliman Al-Shamry
51. Adel Faleh Satam Al-Fadly
52. Adnan Mohamad Bahbahani
53. Tareq Falah Alaeban Al-Shamry
54. Hamoud Nafel Saeid Al-Harshany
55. Nabil Ali Ramadan Bushehry
56. Mutlaq Ali Salman Al-Adwani
57. Waleed Saad Mubarak Al-Asaf
58. Abdulah Fares Ayed Al-Shamry
59. Bader Nahar Mefrij Al-Mutayri
60. Matar Saket Mater Al-Mayai Al-Anezi
61. Waleed Ayoub Ismail Bander
62. Helal Saleh Malis Al-Mutayri
63. Abdulaziz Abdullalif Abdulaziz Al-Kharaz
64. Mubarak Saleh Herzan Malis Al-Mutayri

65. Hamoud Ebrahim Harfan Al-Sahly
66. Saad Murshid Jasir Al-Barazi
67. Raeid Abdulla Khalil Burashid
68. Saleh Hamoud Mansour Hamoud
69. Abdulmehdi Mehdi Ali Tahir
70. Hussam Mohammad Abdulmohsen Al-Oseimi
71. Abdalla Al-Oweyhan
72. Hussein Mohammad Jomah
73. Hassan Abdulmohsen Al-Ali
74. Mohammad Makboul Al-Otaibi
75. Ali Hassan Awad Al-Azmi
76. Hamoud Nassir Baanoun El-Enezi
77. Khalaf Akil Ali Al-Dhafiri
78. Saad Bashir Mubarak Al-Rashidi
79. Mohammad Rashid Nabi Al-Duwaila
80. Nawaf Abdulla Farraj Al-Mutairi
81. Saleh Mathal Jasser Al-Mutairi
82. Mohammad Ahmad Shaher Al-Sharifi
83. Abdulla Deydan Kazar Al-Dhafiri
84. Maged Jaber Fyhan El-Enezi
85. Tarek Mohammad El-Qahtany
86. Meshal Jazza El-Enezi
87. Fawzy Ali Ebrahim Al-Mulla
88. Saleh Naser Al-Khenah
89. Esam Yaccoub Saadallah
90. Meshal Yussef Ali Reda
91. Hany Ahmed Al-Musilikh
92. Ahmed Ali Al-Kandary (Iranian)
93. Abdulaziz Ali Mohammad Al-Khanini
94. Fauzi Ebrahim Abdullatif Al-Abed Al-Jalil
95. Mohammad Naeif Muthri Al-Shamry
96. Jamal Mubarak Muwanas Al-Muwanas
97. Salah Jassem Mandani Qassem Ghullam
98. Abdullah Shafi Hafiz Al-Shagban Al-Ajami

99. Qadir Abdulrahman Jassem Mustafa
100. Ismail Ebrahim Mohammad A. Al-Kandary
101. Yacoub Hussein Ali Akbar
102. Mohammad Ali Saleh Al-Zaqah
103. Ahmad Abdulla Mustafa Hadi
104. Waleed Feiruz Yaqout Al-Manea
105. Mohammad Ahmad Mohammad Al-Rashed
106. Saoud Abdulaziz Furaih Al-Kouh
107. Khaled Abdulaziz Furaih Al-Kouh
108. Ali Mohammad Ali Salem
109. Adnan Feiruz Yacout Al-Manea
110. Fahed Ali Kamikh Al-Dehani
111. Hani Feiruz Yacout Al-Manea
112. Mohammad Mutlaq Rumeih Al-Bathali
113. Hamad Muajeb Saad Al-Ajmi
114. Mutlaq Abdallah Mutlaq Al-Hajr Al-Mutairi
115. Zakaria Abdulqader Mohammad Al-Qaderi
116. Ahmad Saleh Aboud Al-Enezi
117. Ajmi Awajah Rashid Al-Rashidi
118. Shaker Abdallah Mohammad Al-Jedi
119. Nabil Mohammad Hassan Al-Sharaf
120. Hamoud Marzook Thamer Al-Fadly
121. Khaled Hussein Aoun Al-Atiyah
122. Maysam Rawdan Adnan Jodah Al-Shamry
123. Mohammad Hamoud Ayed Al-Aqail
124. Mohammad Jassem Khalf Al-Thanian
125. Mohammad Mrzook Mohammad Al-Mrzook
126. Mutlaq Abdul Rahman Mutlaq Al-Khalidi
127. Housain Mohammad Hosain Adab
128. Talal Hadi Al-Otaibi
129. Khaled Nasser Fahd Al-Ajami
130. Abdul Razzaq Abdullah Mubarak Al-Fawzan
131. Ali Husain Naserallah Boshahryary (Iranian)
132. Saoud Manea Mohammad Tahous

133. Khaled Ahmed Mohammad Al-Rashed
134. Hamoud Muhareb Ali Al-Shamry
135. Abdullah Fahm Moatesh Al-Mutairi
136. Srour Falah Srour Al-Rashaidi
137. Abdallah Wali Hizam Al-Shamry (non-Kuwaiti)
138. Nasser Fahed Mohammad Al-Ajami
139. Fahed Wali Hizam Al-Shamry (non-Kuwaiti)
140. Mohammad Faleh Abboud Al-Enezi
141. Faisal Ghali Ashwi Al-Dhafiri
142. Nasser Ali Nasser Al-Ajami
143. Nawaf Hamad Hussein Al-Ajami
144. Khaled Nasser Khaled Al-Subaii
145. Alnouri Khalaf Kuwayan Al-Dhafiri (Saudi)
146. Mansour Awad Mansour Al-Ajami
147. Fahed Alhailam Musmar Al-Dhafiri
148. Jamal Abbas Ghaloum Hussein
149. Abdulkarim Ali Khaled Mohammad
150. Mousa Ebrahim Suleiman Al-Khalifi
151. Abdulaziz Ebrahim S. Al-Badyawi (Saudi)
152. Abdulrazaq Dakhil Abdulrazaq Al-Tawalah
153. Hamad Mubarak Salem Al-Hajri
154. Khaled Ahmad Mubarak Al-Sharhan
155. Mohammad Serhan Aswad El-Enezi
156. Fahed Bashir Mubarak Al-Rashidi
157. Ahmad Abdulla Ahmad Al-Kandari
158. Dhafir Abdulhadi Dhafir Al-Rashidi
159. Hamdan Hamoud Ghazi Al-Otaibi
160. Mansour Faleh Nasser Al-Ajmi
161. Salah Ali Murshid Al-Rashidi
162. Meshal Obeid Hamdan Al-Otaibi
163. Hamoud Mohwis Saoud Al-Saidi
164. Mohammad Nasser Hazzah Al-Otaibi
165. Abdullah Salem Salem Gheith
166. Fahed Mohammad Abdulla Al-Khalidi

167. Faisal Zaid Sulaiman Al-Ajeel
168. Husam Ahmad Mohammad Al-Sayafi
169. Salah Abdulla Abdulrahman Al-Majid
170. Mohammad Ali Abdulla Burhameh
171. Nasser Mudaf Ahmad Khalfan
172. Safi Maatouk Aman Al-Felaij
173. Khaled Nouri Sulaiman Al-Qanai
174. Imad Yussef Saad Al-Rashid
175. Ahmad Hussein Bakr Al-Asfour
176. Ahmad Abdulrahman Abdulmohsen Al-Rifai
177. Khaled Ahmad Issa Matar
178. Ali Abdullatif Abdallah Al-Asfour
179. Imad Abdulwahab Hussein Al-Roumi
180. Sami Khalifa Ebrahim Al-Rashed
181. Esam Abdulwahab Hussein Al-Roumi
182. Salah Khalifa Abdalla Al-Derbas
183. Faisal Ahmad Hussein Al-Qattan
184. Jamal Abdul Hamid Essa Al-Attar
185. Mustafa Abdul Hamid Matar Al-Shatti
186. Shaheen Ahmad Majid Al-Shaheen
187. Fahed Ahmad Majid Al-Shaheen
188. Khaled Marzooq Zaid Al-Mutayri
189. Meshal Ahmad Thenian Al-Musailem
190. Ali Zaal Awad Al-Zufayri (Saudi)
191. Abdallah Rahed Ahmad Al-Yacoub
192. Mohammad Naeif Abdallah Al-Enezi
193. Bader Abdallah Ahmad Al-Sharqawi
194. Mahmoud Naeif Abdallah Al-Enezi
195. Khaled Abdullatif Abdallah Al-Mari
196. Mohammad Yousef Said Albaloushi (Omani)
197. Hussein Abdel Amir Ali Mohammad (Iranian)
198. Fahed Ahmad Abdulmohsen Al-Abdulkarim
199. Rashed Zayed Mutlaq Al-Duwailah
200. Adel Ahmad Abdulaziz Al-Raqim

201. Rashid Mazeid Said Al-Mutairi
202. Abdulla Abdullatif Abdulla Al-Asfour
203. Waleed Hamad Al-Fahed Al-Hamad
204. Mohammad Abed Ridha Abbas Ghaloum
205. Samir Jasem Mahmoud Al-Saffar
206. Aref Ebrahim Youssef Al-Dhowaihi (Saudi)
207. Najim Taleq Saoud Al-Muweizri
208. Nasser Hazaa Zaid Alwaalan Al-Mutairi
209. Nasser Sulaiman Farah Al-Shamry
210. Hassan AbdulAziz Qumir Abdullah
211. Khaled Jassem Hamd Al-Derbas Al-Zaabi
212. Shehab Ahmed Shaker Ali
213. Mousa AbdulRidha Abbas Ghaloum
214. Madi Hameed Obaid Al-Mutairi
215. Zaid Saadi Zaid Al-Shamry
216. Hassan Guloum Hassan Sakkin
217. Hussein Abdullah Ahmed Al-Ghallaf
218. Salah Ali Saad Al-Khouder
219. Salah Abdullatif Farhan Al-Doukhi
220. Sayed Mohammad Sayed Ali Musalam
221. Abdul Amir Hussein Ahmad Al-Qattan
222. Adnan Safar Maarafi Maarafi
223. Mohammad Sayed Ali Hamza
224. Muwanas Mubarak Muwanas Al-Muwanas
225. Adel Ebrahim Mohammad Al-Murayshed
226. Murshed Julaydan Mohammad Al-Hamad
227. Khaled Hazzah Hamad Al-Fahed al-Hamad
228. Fayed Mohammad Ali Al-Ayadhi
229. Khalid Yousef Abdullah Essa
230. Khalifa Abdullah Fahad Al-Enezi